

**TOWN OF DAVIE  
REGULAR MEETING  
FEBRUARY 15, 2006**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:30 p.m. and was followed by the Pledge of Allegiance led by Palma Nova and Potter Park community children.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Hubert and Councilmembers Paul and Starkey. Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to excuse Councilmember Crowley. In a voice vote, all voted in favor. (Motion carried 4-0)

**3. PRESENTATIONS**

**3.1. Broward County Cultural Division Arts Recognition**

Bette Gibson, Recreation Coordinator, recognized Anna Frances who coordinated the Broward County Arts and Dance program. Ms. Gibson advised that the Town had received full funding from the Broward County Division for Arts and Dance Programs for the following year.

Mindy Shrago, representing Young at Art, spoke of the mission of Young at Art and its collaboration with the Town. Jennifer Beam, Director of Education, spoke about the program and thanked the Town for its participation. She presented artwork to Council as a gesture of appreciation and commended Sue Bell for her work on the education program at Young at Art.

**3.2. Co-Sponsorship of Young At Art's Festival of the Arts - Mindy Shrago**

Ms. Shrago requested that the Town co-sponsor with in-kind services and help for the yearly Young at Art Festival of the Arts. Councilmember Starkey voiced her support for the project. Mr. Cohen indicated that staff was available to assist if needed.

**3.3. Hispanic Unity - Margaret Delmont-Sanchez**

Josie Bacallao requested the Town's support for working families who were served through Hispanic Unity of Florida, a non-profit organization. She spoke of the services provided by Hispanic Unity and of the fundraising festival to take place at Broward County College on April 9th. Ms. Bacallao advised that the organization was looking for a permanent home in Davie for its yearly festival.

Mayor Truex asked whether Councilmember Starkey had spoken to the Community Redevelopment Agency (CRA) about funding a portion of this. Councilmember Starkey advised that it was a good idea although she was unsure whether this was outside the CRA's boundaries. Mayor Truex asked Mr. Cohen about the costs for police presence. Mr. Cohen advised that he would look into this. Council directed staff to have Mrs. Bacallao contact Mr. Cohen to work out the details. Councilmember Paul suggested possibly requesting help from Waste Management and the CRA.

**3.4. Forest Ridge Women's Club Donation to the Davie Police Department and Davie Fire Rescue - Councilmember Starkey**

Councilmember Starkey introduced Beverly Paine, Lorraine Hoffheinz and Barbara Spiece, members of the Forest Ridge Women's Club who donated \$500 to the Police and Fire Departments.

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3.5. Update from Airport/Transportation Advisory Board - Jorge Egues

Jorge Egues representing the Airport/Transportation Advisory Board, gave a presentation on the Board's review of the airport expansion issue and voiced concern about the 90+ terminal gates proposed for the future. He spoke of various ways in which the residents' quality of life would be disrupted by airport expansion and advised of the Board's efforts to get trend analysis on noise monitoring. Mr. Egues stressed the need for Council to be a strong voice against various expansion options that would prove most burdensome to Davie residents. He advised that the Board wanted to interview residents and educate homeowners associations on how they would be affected. Mr. Egues requested that residents take note of, and report, airlines that violated restrictions.

Councilmember Paul suggested that the Town's lobbyist speak before the Metropolitan Planning Organization (MPO) to air the Town's opposition. She stressed that there were various ways to review this situation.

Mayor Truex felt the proposal to double the terminal gates was troubling and was concerned about any flight tracking options that might take flights over Pine Island Ridge. He was in favor of the Board making a presentation to residents.

Councilmember Starkey spoke of her efforts to educate the public on this issue and advised that the Part 150 Study was to identify flight tracking. She added that it was the Town's position to update the master plan to have the least amount of impact over Pine Island Ridge.

Councilmember Paul spoke of ongoing requests to have a sound wall built along I-75. She advised of a letter she had received from James Wolf, on behalf of the governor, to address this issue. Councilmember Paul had requested help from the MPO, which agreed to send a letter to the Florida Department of Transportation requesting that they work with the Town to change the criteria needed to complete the job before 2030. She felt this was a step forward and suggested the MPO might be of assistance in the Town's actions against airport expansion. Councilmember Starkey stated the Town should take the lead in drafting some type of resolution to change criteria and have the Florida League of Cities sponsor this.

**4. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 4.1. January 4, 2006 (Regular Meeting) (tabled from February 1, 2006)
- 4.2. January 12, 2006 (Workshop Meeting)

*Parade Permit*

- 4.3. Town of Davie/Special Projects Department (Orange Blossom Festival - February 25, 2006)

*Resolutions*

- 4.4. **SUNRISE WATER SYSTEM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DISCONTINUING THE PROCESS OF ACQUIRING THAT PORTION OF THE SUNRISE WATER SYSTEM LOCATED IN THE TOWN OF DAVIE.** (tabled from February 1, 2006)
- 4.5. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2006-39 **AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN PROJECT STABLE OF BROWARD COUNTY AND THE TOWN OF DAVIE. (waiver of \$750 fee)**

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- 4.6. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2006-40 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN FGRA ASSOCIATION AND THE TOWN OF DAVIE. (\$2,000 rental fee)
- 4.7. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2006-41 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH FORT LAUDERDALE DOG CLUB INC OF DAVIE FLORIDA. (\$1,000 rental fee)
- 4.8. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2006-42 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A CONTRACT AGREEMENT BETWEEN BUDDY LEE ATTRACTIONS, INC. AND THE TOWN OF DAVIE.
- 4.9. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2006-43 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS OF FLORIDA TO LEASE THREE COPIERS FOR THE POLICE DEPARTMENT.
- 4.10. **AMENDED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2006-44 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE SCHOOL BOARD OF BROWARD COUNTY RESOURCE OFFICE PROGRAM IN ARTICLE 2, SECTION 2.12 OF THE AGREEMENT FOR WESTERN HIGH SCHOOL, INDIAN RIDGE MIDDLE SCHOOL AND SEVEN ELEMENTARY SCHOOLS IN THE TOWN OF DAVIE.
- 4.11. **KARATE INSTRUCTIONS - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2006-45 FLORIDA, SELECTING JOSEPH KELLJCHIAN TO PROVIDE KARATE INSTRUCTOR SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES. (Town receives 25% of all registration fees)
- 4.12. **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2006-46 AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER #1 WITH PINO KAOBA & ASSOCIATES, INC. FOR MISCELLANEOUS ITEMS DESCRIBED IN THE CHANGE ORDER. (increase of \$53,002.13)
- 4.13. **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2006-47 AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 1 TO THE CONTRACT BETWEEN THE TOWN AND BROWN AND CALDWELL TO PROVIDE A WASTE WEIGHT GENERATION STUDY. (increase of \$63,704)
- 4.14. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE**  
R-2006-48 BID FOR SHADE CANOPIES AT PINE ISLAND PARK. (Shade Systems, Inc. - \$49,664)

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- 4.15. **RATIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-49 RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S  
PURCHASE OF PROPERTY FROM DAVIE APOSTOLIC CHURCH, INC., A  
FLORIDA CORPORATION; AND PROVIDING FOR AN EFFECTIVE DATE.  
(\$1,500,000)
- 4.16. **REJECTION OF PROPOSED LEGISLATION** - A RESOLUTION OF THE TOWN  
R-2006-50 OF DAVIE, FLORIDA, URGING CONGRESS TO REJECT PROPOSED  
LEGISLATION THAT WOULD ELIMINATE LOCAL FRANCHISING  
AUTHORITY, EXISTING CABLE FRANCHISES AND LOCAL GOVERNMENT  
AUTHORITY TO PROVIDE COMMUNICATIONS SERVICES.
- 4.17. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING  
R-2006-51 APPLICATION, APPROVAL AND EXECUTION FOR A GRANT UNDER THE  
STATE OF FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE  
PROGRAM FOR CHILDREN. (\$15,000)
- 4.18. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING  
R-2006-52 THE APPLICATION FOR A GRANT FROM THE EMERGENCY MANAGEMENT,  
PREPAREDNESS AND ASSISTANCE TRUST FUND FOR A PORTABLE  
GENERATOR; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE  
GRANT IF AWARDED (NO MATCHING FUNDS).
- 4.19. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2006-53 FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE  
TOWN AND THE DAVIE POLICE ATHLETIC LEAGUE, INC. FOR  
CONCESSIONAIRE SERVICES AT DAVIE PINE ISLAND PARK. (Revenue to the  
Town of \$1,000/month)
- 4.20. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-54 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE FIRM OF  
MOORE STEPHENS LOVELACE, P.A. TO REVIEW THE TOWN'S  
PROCUREMENT SYSTEM INTERNAL CONTROLS AND TO PROVIDE BEST  
PRACTICES. (\$12,500)
- 4.21. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-55 ACCEPTING CERTAIN UTILITY EASEMENTS FROM ZONA DEVELOPERS,  
LLC., PROPERTY OWNERS; AND PROVIDING AN EFFECTIVE DATE.
- 4.22. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,  
FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE  
RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE PLAZA; AND PROVIDING  
AN EFFECTIVE DATE. (DG 4-1-05, The Plaza, 11200 State Road 84)

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- 4.23. **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING**  
R-2006-56 **THE PLAT KNOWN AS “RODEO VILLAGE” AND AUTHORIZING THE MAYOR**  
**AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE**  
**MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND**  
**PROVIDING AN EFFECTIVE DATE. (P 3-3-05, Rodeo Village, Miller, Legg &**  
**Associates, Inc./University Matrix, LLC., 5250 South University Drive) *Planning and***  
***Zoning Board recommended approval***
- 4.24. **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING**  
R-2006-57 **THE PLAT KNOWN AS THE “DAVIE ROAD TRIANGLE PLAT” AND**  
**AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE**  
**APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL**  
**TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 5-1-05, Davie Road**  
**Triangle Plat, Associated Engineers of South Florida Inc./Stirling Triangle Professional**  
**Building Corp., 3800 Davie Road Extension) *Planning and Zoning Board recommended***  
***approval***

*Temporary Use Permits*

- 4.25. TU 1-1-06, Town of Davie Police, Fire Rescue, and Military Equipment Exposition,  
1904 South University Drive (March 11, 2006)
- 4.26. TU 1-2-06, St. David Catholic Church, 3900 South University Drive (March 16-19, 2006  
and October 26-29, 2006)

*Quasi-Judicial Consent Agenda*

- 4.27. SP 10-2-04, Dunkin Donuts Restaurant, 3884 SW 64 Avenue (B-2) (tabled from January  
18, 2006) *Site Plan Committee recommended denial because the Committee was of the*  
*opinion that the Town would never accomplish what it expected of the downtown if it*  
*continued to approve parcel-by-parcel items which did not meet the intent of the Western*  
*Theme. The Committee decided on an addendum to its recommendation that the*  
*following comments be implemented into the site plan should the Council decide to*  
*reverse the Committee’s recommendation to deny: 1) address the covered walkway on*  
*the north side of the building to be extended the entire length and that the east side of the*  
*building was totally barren; 2) the pavers at the corner are to match the current pattern;*  
*3) look at the handicapped space location do to slope into the building; 4) bike racks are*  
*missing; 5) the Committee did not like the signage colors; and 6) parking arrangement*  
*has a dead end, no outlet parking area which does not work*
- 4.28. SP 7-11-05, Panda Express - Davie, 5820 University Drive (UC) (tabled from February  
1, 2006) *Site Plan Committee recommended approval based on the original planning*  
*report and the following revisions: 1) that the current set of plans be revised to the new*  
*revisions prior to presentation to Town Council; 2) to show the new colors on that set of*  
*plans as well; 3) indicate that the outdoor seating and lighting is “up light”; and 4)*  
*amend the landscape plan to the current set and incorporate these changes – that the*  
*shopping center perimeter landscape will be incorporated into this landscaping; two*  
*accent plants at the east are to be added; change the Purple Queen to Macho Fern and*  
*indicate on the landscape materials schedule*

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- 4.29. SP 4-10-05, Hollywood Video/Wendy's, 11200 State Road 84 (B-2) *Site Plan Committee recommended approval based on the planning report with the following recommendations: 1) move the "drop-off" box for Hollywood Video to an area outside the green landscape areas or provide a "hardscape" through the landscape area to the drop-off box; 2) move the sidewalk from the south parking area to the south connector to the Wendy's up against the end parking space and create an island landscape area instead; 3) place the restriction that there will be no interior neon lighting provided on the windows; 4) the windows would not be blocked off with films or graphics; 5) provide a paver or a striped crosswalk going from the rear access service area of Wendy's to the dumpster area; 6) make the raised "finger" area a paved area as well since landscaping would not fit into it due to the crosswalk; and 7) enhance the landscaping with shrubbery at the common entrance feature*
- 4.30. SP 7-10-05, Scarborough Professional Building, 10560 State Road 84 (B-2) *Site Plan Committee recommended approval based on the planning report and the following: 1) that the size of the Royal Palms be changed to ten-foot of gray wood; 2) that the parking was based on the restriction of 11,000 square-feet of medical office and the rest was to be general office space; 3) that the first-floor perimeter columns along the outdoor covered walkway be increased to more columns at a smaller width, spaced between the windows; 4) correct the actual column pattern around each of the main entrances to reflect the rendering; and 5) adjust the colors to reduce the intensity of the red and orange and have the new color board available for the Town Council*

*Item Added*

- 4.31 TU 2-1-06, Bank of America, 6300 Stirling Road

Vice-Mayor Hubert pulled item 4.27. Councilmember Paul pulled items 4.3, 4.22 and 4.29. Mayor Truex pulled 4.15 and 4.28. Councilmember Starkey pulled item 4.30. Mayor Truex also pulled item 4.31.

Mayor Truex announced that item 4.4 needed to be tabled to March 1, 2006.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

Mayor Truex announced that item 4.31 needed to be added.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to add. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

Mayor Truex announced that item 9.2 needed to be added.

Councilmember Paul made a motion, seconded by Mayor Truex, to add. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to approve the Consent Agenda minus items 4.3, 4.15, 4.22, 4.27, 4.28, 4.29, 4.30 and 4.31. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

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**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.3 Councilmember Paul spoke of the Orange Blossom Festival. Special Projects Director Bonnie Stafiej spoke of various events taking place at the festival. Councilmember Paul announced that the Kiwanis Pancake Breakfast would start at 7:00 a.m. before the parade.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to approve. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

4.15 Mayor Truex asked Redevelopment Administrator Will Allen if all the environmental requirements had been met. Mr. Allen advised that per the contractor, all issues pertaining to environmental and other requirements would be resolved after Council ratified the purchase.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

4.22 & 4.29 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Development Services Director Mark Kutney advised that the applicant was requesting an increase of 30,000 square feet to the site. Planning and Zoning Manager Bruce Dell summarized the planning report for item 4.29.

Mike Davies, representing the applicant, invited questions from Council.

Councilmember Paul asked how much of the existing parking lot spaces would be used in order to put this project on the site. Mr. Davies advised that the location of the project was somewhat distant from other buildings and was not “robbing” any prime parking spaces. Mr. Davies advised that “probably between 20-25 spaces” would be used. Councilmember Paul asked if existing drainage would be affected. Mr. Davies responded in the negative. Councilmember Paul was concerned about the increase in additional building and the need for adequate parking in the plaza. Mr. Kiar confirmed that the applicant’s cross parking agreement with the plaza allowed for the additional 23 spaces. Mr. Davies responded affirmatively.

Mr. Kiar opened the public hearing. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Mayor Truex recalled speaking to the owner of the shopping center a long time ago.

Councilmember Paul was not comfortable in terms of handling the additional building on one outparcel. Mr. Davies advised that he had performed a traffic study as staff requested, which justified that the site could handle the project.

Mr. Kutney felt this project was not overbuilding as the parcel could comfortably handle up to 15,000 square feet, whereas the project was 8,144 square feet. He spoke of past problems with the site and improvements made to correct these. Councilmember Paul had misgivings about the project. Councilmember Starkey stated that parking in the plaza was currently inadequate.

David Kova, representing Konover, indicated that the shared parking agreement was not with Walgreen’s but with Konover and felt there was ample space as some parking areas were not being used. Councilmember Starkey spoke of conflicts finding enough parking for both diners. Mr. Kova advised the traffic study done indicated an excess of 200 parking spaces.

Mayor Truex felt the project should be approved and added that the project fell within parking requirements. Vice-Mayor Hubert spoke in favor of the project.

Greg Jones, 6400 N. Andrews Avenue, representing the applicant, indicated the applicant proposed closing off the first right turn into the plaza off Hiatus Road and had moved the entrance further to the west to alleviate stacking.

Councilmember Paul suggested approval with the condition that the traffic issues be tweaked.

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Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to approve item 4.22. In a voice vote, with Councilmember Crowley absent, and Councilmembers Paul and Starkey dissenting, all voted in favor. **(Motion tied 2-2; item was automatically tabled to March 1, 2006)**

Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to table item 4.29 to March 1, 2006. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

4.27 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Kutney requested a tabling to allow staff to meet with the Community Redevelopment Agency (CRA) to address issues concerning the site plan. Will Allen, representing the CRA, objected to the proposed site plan as it was not the one that had been reviewed by the CRA.

F. George Deeb, representing the applicant, spoke of conflicts he had faced over two years of trying to build the project and the Town was not helping. Vice-Mayor Hubert spoke of her conversation with the applicant and of assistance the Town could provide through CRA loan subsidies to build the second story. On behalf of the applicant, an unidentified man spoke of the various rising expenses Mr. Deeb had to pay. Mr. Kutney pointed out that staff had expected the variance was based upon using the two-story design presented to the CRA. He stated staff was willing to meet with the applicant to discuss things further.

Councilmember Paul felt the recommendation to table was in order to get all parties involved in the discussion. Mr. Kutney advised that while the project met the Land Development Code, but did not meet the intent and purpose of what the CRA wanted on Davie Road.

George Deeb, on behalf of his father, spoke of the history of problems concerning the project. Mr. Kutney stated that when the applicant was forced to replat, he lost access from Davie Road. Vice-Mayor Hubert asked why the site needed replatting. Mr. Kutney explained that the property was vacant when acquired and that since the applicant had lost usage, he had to replat.

Mr. Kiar swore in Neil Kalis. Mr. Kalis, CRA Vice-Chair, asked that the project come back to the CRA for review. He voiced concerned about the lack of communication from the applicant.

Mr. Kiar opened the public hearing. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures. Councilmember Starkey advised she had spoken with the CRA, Mr. Allen and staff. Mayor Truex advised he had met with Mr. Deeb.

Mayor Truex advised the applicant to meet with the CRA, Vice-Mayor Hubert and staff.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table to April 5, 2006 with the direction that the applicant meet with all parties involved. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

4.28 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Dell summarized the planning report.

Kevin Bussey, representing the applicant, spoke of the project's features. Mayor Truex asked if the same stone treatment would match the rest of the center. Mr. Bussey responded in the affirmative. Mayor Truex asked if any signs variances were anticipated. Mr. Bussey advised that none were anticipated.

Mr. Kiar opened the public hearing. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures. Councilmember Starkey advised she had spoken with staff and other professionals involved in the earlier stages of the project.



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Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Crowley absent and Vice-Mayor Hubert out of the room, all voted in favor. (Motion carried 3-0)

4.30 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Kiar recessed the meeting at 8:55 p.m. as two members of Council had left the room. He reconvened the meeting at 8:56 p.m. when a quorum was reached.

Mr. Dell summarized the planning report for the project.

Councilmember Starkey asked if any alternatives had been reached to prevent light spillover to neighbors to the south. Peter Dell, representing the applicant, advised that lighting plans had been revised to prevent spillover to adjacent properties. Councilmember Starkey asked if that wattage would be adjusted. Mr. Dell advised that the light intensity would be reduced. Councilmember Starkey asked if brick pavers would still be incorporated. Mr. Dell responded in the affirmative.

Mr. Kiar opened the public hearing. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures. Councilmember Starkey advised she had spoken with staff.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

4.31 Mr. Dell explained that the applicant required a special permit as temporary repairs were needed.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

## 6. PUBLIC HEARING

### *Ordinances - Second and Final Reading*

2006-7 6.1. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2002-9; AMENDING SECTION 2-73(g) OF THE DAVIE CODE OF ORDINANCES ENTITLED, "DAVIE WATER AND ENVIRONMENTAL ADVISORY BOARD;" PROVIDING THAT THE BOARD SHALL CONSIST OF FIVE (5) MEMBERS; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading February 1, 2006 - all voted in favor with Councilmember Paul being absent}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing. As no one spoke, Mayor Truex closed the public hearing.

Vice-Mayor Hubert made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - absent; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-0)

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- 2006-8      6.2.      **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-3-05, CHANGING THE CLASSIFICATION OF EIGHT (8) EXISTING PARKS/OPEN SPACE SITES FROM AGRICULTURAL DISTRICT (A-1), PLANNED RESIDENTIAL DEVELOPMENT DISTRICT (PRD), GRIFFIN CORRIDOR DISTRICT (FTN), RESIDENTIAL/OFFICE DISTRICT (RO), LIGHT INDUSTRIAL DISTRICT (M-1), LOW DENSITY DWELLING DISTRICT (R-2) TO RECREATION/OPEN SPACE DISTRICT (RS); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-3-05 - Town of Davie (8 parks) *Planning and Zoning Board recommended approval* {Approved on First Reading February 1, 2006 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing.

Bob Muccio requested that Council direct staff to move the proposed nature center location to a more central location on the Van Kirk site. Councilmember Starkey advised that residents would be able to provide input on the location of the nature center and indicated that the site was being rezoned to a park at this point. Councilmember Paul felt the public participation meetings needed to be scheduled soon and wanted the Town to start moving forward with design. Mr. Cohen advised that the park would be passive and that staff would present a site plan in about two weeks.

Robert Gaines, 13510 SW 14 Place, felt Council was forcing residents to accept a park. He questioned why the Town did not publish statistics on the park for residents to review first. Councilmember Starkey spoke of the positive features of the site with regard to restoring wetlands and restoring drainage in the area. She advised Mr. Gaines that staff would contact him about upcoming public participation meetings.

Mayor Truex closed the public hearing.

Vice-Mayor Hubert made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - absent; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-0)

*Ordinance - First Reading (Second and Final Reading to be held at a later date)*

- 6.3.      **TRANSMITTAL - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LABC-05-1A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING THE LAND USE CATEGORY "TRANSIT ORIENTED CORRIDOR" AND ADDING NEW POLICIES RELATING TO THE TRANSIT ORIENTED CORRIDOR DESIGNATION; BY CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN LANDS FROM: "INDUSTRIAL", "COMMERCIAL", "COMMERCE/OFFICE", "COMMUNITY FACILITY", "RECREATION AND OPEN SPACE", "TRANSPORTATION", "UTILITY", AND "RESIDENTIAL 10 DU/ACRE" TO: "TRANSIT ORIENTED CORRIDOR"; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance at a later date.

Deputy Planning and Zoning Manager Marcie Nolan summarized the history of this application. She advised that the Town would need to draft policies into its comprehensive plan in order to approve the land use amendment. Ms. Nolan referred Council to the documents and advised of three recent technical changes: 1) the total number of maximum dwelling units allowed would be 6,428; 2) in the

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second paragraph of Policy 26-3, staff wished to add language stating, “per unified development” as densities were applied to developments as opposed to being spread over the entire corridor; and 3) “the second item is that shall not” exceed 32 units per gross acre.

Ms. Nolan stated that Broward County had identified State Road 7 and I-595 as premium transit corridors. She advised that staff would present policies to Council that would reflect this vision. Ms. Nolan explained how staff’s future planning horizons would complement the integrated mixed usage of the area. She spoke of staff’s proposals for alleviating future traffic impacts by incorporating proposed light rail and express bus services and other improvements. Ms. Nolan advised that staff had also worked with the CRA to address anticipated impacts of higher densities to school sites.

Councilmember Starkey referred to language in Objective 25-2b, and pointed out that the Town could not guarantee that public facilities and schools would be in place at a specific future point. Ms. Nolan explained the benefits of identifying a site ahead of time. She added that the County suggested two options: 1) provide for a school site or 2) pay into a fund to provide for a site. Ms. Nolan reviewed the policies in further detail, referring to the PowerPoint presentation. Ms. Nolan advised that staff recommended approval of the application subject to: 1) the creation of land development regulations needed to implement the transit oriented corridor; 2) the initiation of an area-wide DRI to implement the State Road 7 vision and master plan; 3) the completion of a road master plan of the State Road 7/441 corridor; 4) an agreement with Broward County Schools to ensure that school related impact fees were dedicated to this amendment area; 5) continued coordination with FDOT to provide for transit stop along the corridor; and 6) an initiation of an area-wide drainage master plan.

Mayor Truex opened the public hearing portion of the meeting.

Sam Poole voiced the applicants’ support of staff’s recommendations and the Town’s vision. He advised that the Forman’s had requested that the Town adopt the amendment as recommended by staff or leave the existing plan in place.

Karen Stenzel-Nowicki, Steering Committee Chair for the State Road 7 Charette redevelopment project, spoke in support of the concept presented by staff. She discussed her meeting with Representative Tim Ryan who advised that the Governor’s general counsel would move forward with a compact with the Seminole Nation to provide protection against the ongoing noise. Ms. Stenzel-Nowicki requested that the Town write the Governor to voice support for adding this language into the compact.

Rod Feiner, representing the law firm of Coker and Feiner, supported the Town’s proposed policies. In response to Mayor Truex’s question, Mr. Feiner advised that his firm represented the 4126 Junkyard in the area. Regarding Objective 26, he requested that the term “current land use” be replaced with “existing land use prior to the adoption of this amendment.” Regarding Policy 26-12, Mr. Feiner suggested that language referencing the State Road 7/441 master plan state “shall be implemented within the land development regulations that implement this policy.”

Michael Mannis, of the law firm of Mannis & Saperstein, representing Lawrence Danielle, spoke in support of the project and stated that retaining current density was critical to his client’s business.

Steve Feldin, representing the Davie Travel Center, spoke in support for the project and felt his project would complement the Town’s vision.

Chris Wallace, 4801 South University Drive, spoke in support of the project. In response to Councilmember Starkey, he stated that the tax base potential in the area would be maximized if the project were approved.

Mayor Truex closed the public hearing.

Ms. Nolan indicated that the 32 units per acre would work best to promote the synergy of the development of the area. She advised that staff agreed with Mr. Feiner’s request for the language change to Objective 26. Ms. Nolan explained that the proposed language was a guide and would not conflict with any State Statutes.

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Mayor Truex dropped his objection to the density in the area and compared various assumptions of the County's with his own assumptions regarding increased density and its impacts. Mayor Truex voiced his concern about urban creep and stated that he held "a high threshold for increased density as long as this was tied to a transfer of development rights." Mayor Truex suggested that development rights be transferred from Town property retroactive to January 1, 2000. He pointed out that residents also impeded business development and suggested that the plan require coordination of concurrent business and residential development.

Regarding traffic, Mayor Truex felt this would increase dramatically in the corridor. Regarding traffic concerns, he suggested: 1) that parking be dramatically decreased in the corridor; 2) that mass transit be required as a prerequisite to application approvals; 3) that an emphasis be placed on other transportation besides automobiles; and 4) that the plan require implementation and coordination of transportation besides automobiles.

Regarding affordable housing, Mayor Truex suggested that as part of the planning process, development plans require 100% affordable housing. He defined affordable as "what was affordable for the jobs being created." Mayor Truex also suggested that job training and local hiring be incorporated into development plans. He wanted limited transferability of housing and he wanted affordable housing to be blended into all housing levels.

Regarding fiscal impacts, Mayor Truex felt the fiscal analysis over the long term was inadequate in light of the many variables involved. He suggested: 1) conducting a detailed fiscal analysis; 2) considering impacts in land use changes; and 3) changing the plan to guarantee a positive fiscal impact in the long term. He spoke of the need for a huge investment in infrastructure for Town amenities and suggested that the Town require new development to pay for investments in infrastructure in Town amenities.

Regarding integration of the Regional Activity Center, Mayor Truex felt there was a lack of coordination and integration of both areas. He suggested insisting that the Center and the State Road 7/441 corridor plans be considered together.

Mayor Truex was not in favor of approving the application that evening. Councilmember Paul felt in light of Mayor Truex's concerns and the need for a supermajority vote, this item should be tabled. Mr. Kutney asked if Mayor Truex was comfortable approving that evening, while the item was transmitted to the Department of Community Affairs for staff to work on. Councilmember Starkey felt there were other ways to address the concerns mentioned and wanted to give staff time to work on these further. Vice-Mayor Hubert felt affordable housing should be created in the area. She did not feel it was wise to deny this application because of the volume of work invested thus far. Ms. Nolan stated that most of Council's ideas required coordination of business and residential, which amounted to implementing land use regulations. She added that this item required a supermajority vote and encouraged Council to make their policies function more as guides.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to table to March 1, 2006. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

#### *Quasi Judicial Item*

- 6.4. SPM 1-5-06, Pirtle Office Building, 5700 Griffin Road (Griffin Road Corridor East Gateway Zone) *Site Plan Committee recommended approval subject to the planning report and that the compact parking spaces be moved to the east parking area on site; that the applicant deed restrict the uses to office only, no medical or retail; and that the parking may be a problem, however, having only one tenant on the entire second floor as a deed restriction may solve the parking problem and this recommendation is based on the current site plan*

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Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Dell summarized the planning report. Mayor Truex asked if there was a problem with the original public notice after the first site plan hearing. Mr. Dell explained that the notice had gone out but that there was a glitch in the program resulting in several residents not receiving notice.

Jose Merido, representing the applicant, requested that the deed restriction requirement by the Site Plan Committee be excluded to give the applicant free use of the property. Mayor Truex asked various questions about the features depicted on the rendering. Vice-Mayor Hubert asked if there had been a second meeting with residents. Mr. Merido responded in the affirmative and stated that residents were concerned about the rear wall. He advised that the removal of the lake was not possible as this would hinder stormwater drainage. Mr. Merido added that the Drainage District had advised against moving the rear wall.

Mr. Kiar opened the public hearing portion of the meeting and swore in the witness.

Terry Rizzo, 5711 SW 47 Street, stated that an entire development had not been publicly notified. She voiced her concerns about stagnant water, poor drainage, intrusive lighting, landscaping and the loss of privacy.

Grace Farrar, 5741 SW 47 Street, voiced her concern about flooding and lighting.

Vice-Mayor Hubert asked about having a fountain to recirculate the water in the lake. Frank Stewart, drainage engineer for the project, stated that this could possibly be included.

Councilmember Starkey felt the applicant should try to meet with the residents once more since some residents had not received public notice. Mr. Pirtle spoke of the many challenges in this process over the past three years and objected to having to meet with residents once again.

Councilmember Paul spoke of the need to observe the Water District's requirements. Mr. Pirtle pointed out that the project had met required Codes where the wall's location was concerned. Mr. Merido referred to a survey conducted, which indicated that the applicant's fence was properly located along the property line.

Carol Price, 4700 SW 57 Avenue, explained that her property had been built up two feet resulting in a two-foot slant between the applicant's fence and her property. Councilmember Starkey stressed the need to review this once again to resolve new issues.

Joe Cosner, 4451 SW 77 Avenue, voiced his concerns about the maintenance of the wall on the homeowners' side and suggested adding landscaping behind the wall and eliminating the fence. He felt more could be done on the building to represent the Florida vernacular style so the project would be pleasing on all sides.

Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Mayor Truex advised that he had spoken with residents. Vice-Mayor Hubert advised that she had spoken with residents. Councilmember Paul advised she had met with Mr. Pirtle and some residents.

Mayor Truex asked about the status of this project if Council were to deny this application. Mr. Dell explained that the applicant could move forward with the three-story building since this was approved. Mayor Truex preferred the two-story building and felt the fence was not as big an issue. He asked how inadequate parking would be handled in the event of retail usage. Mr. Pirtle explained there would be no retail usage. Mayor Truex asked whether Mr. Pirtle would agree to the retail deed restriction. Mr. Pirtle responded in the negative and explained that he wanted a doctor's office at the site.

Councilmember Paul suggested moving forward with landscaping and other issues being resolved with residents. She recommended putting in a disc attached to a pump to circulate water in the lake. Councilmember Paul spoke of the water retention feature at Flamingo Commons where birds and fish ate the mosquito larvae.

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Vice-Mayor Hubert made a motion, seconded by Councilmember Paul, to approve subject to including staff and Site Plan Committee recommendations except for the deed restriction; based on the lower building; based on working out issues with the residents; based on installing two discs to circulate the water; and based on adding a decorative door and increased landscaping. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Hubert - yes; Councilmember Crowley - absent; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 3-1)

#### **7. APPOINTMENTS**

- 7.1. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Hubert; term expires April 2006)

No appointment was made.

- 7.2. Parks and Recreation Advisory Board (one exclusive appointment - Councilmember Crowley; term expires April 2006) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.3. School Advisory Board (one exclusive appointment - Vice-Mayor Hubert, Councilmember Paul and Councilmember Starkey; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointments were made.

- 7.4. Senior Citizen Advisory Committee (one exclusive appointment - Councilmember Paul; term expires April 2006) (members shall be a minimum 60 years of age)

No appointment was made.

#### **8. OLD BUSINESS**

- 8.1. New Interchange at Florida's Turnpike Mainline with Stirling Road

Town Engineer Larry Peters advised that per Council's request, he had contacted the Florida Department of Transportation (FDOT) on this project. He stated that the engineer for the project was willing to give a presentation before Council on March 1st. Mr. Peters explained that a public meeting on this project would be held in June 2006.

Mayor Truex asked whether the interchange was on the Seminole land. Mr. Peters responded in the negative. Vice-Mayor Hubert spoke of the possible displacement of Stirling Mobile Home residents in the area.

Karen Stenzel-Nowicki spoke of homes just to the north of the mobile home park that would be impacted. She requested that all Davie residents in that area be notified of any hearings on this issue.

Council directed staff to request that FDOT come before Council at the March 1, 2006 meeting.

- 8.2. Request for Qualifications - Forensic Auditor

Budget and Finance Director William Underwood spoke of the draft request for qualifications (RFQ) for forensic auditing services. He referred Council to the second page and requested input on the number of years to be reviewed. Councilmember Starkey wanted to go back to 1999 for review of the Town's bank records. Mayor Truex asked if the cost would change depending on the scope of the review. Mr. Underwood explained how the process was designed. He explained that the cost for a forensic audit would depend on how broad the research would be. Councilmember Paul suggested using the range of three to seven years. Council directed that the scope of the RFQ be three to seven years.

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Mr. Underwood referred to item V and asked for input on the selection committee. Councilmember Starkey requested that a member of the Budget Advisory Committee assist with the selection process. Mr. Cohen advised that per Council's direction, the Committee could short list candidates. Council agreed to review four firms.

Mayor Truex questioned language under item III prohibiting lobbying of the Town Council. Mr. Underwood explained that this was to avoid the Council being overly influenced by any vendor.

#### **9. NEW BUSINESS**

9.1. Metropolitan Planning Organization Update - Councilmember Paul  
This item was previously discussed.

9.2 Certification of Election Results

Town Clerk Muniz explained that the certification of election results would require changing the date of the Council meeting following the March 14th election.

Councilmember Paul made a motion, seconded by Mayor Truex, to change the March 15 Council meeting to Wednesday, March 22. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

#### **10. MAYOR/COUNCILMEMBER'S COMMENTS**

##### **COUNCILMEMBER STARKEY**

**EMPLOYEE PAY INCREASES.** Councilmember Starkey explained that Mr. Underwood and Deputy Fire Chief Steven Eggnatz had had their pay increases revoked in January 2006. She felt the raises budgeted for these employees should be returned, retroactive to the date they were taken away.

Mr. Cohen explained that Council had set the policy requiring Council's authorization for additional pay increases beyond the Step 7 salary point. He advised that Mr. Kovanes had granted raises to these individuals without Council's authorization. Mr. Cohen stated it was Council's discretion to reinstate these increases retroactive to the date they were stopped.

Vice-Mayor Hubert reminded Council that Mr. Underwood's raise had been given because he was performing above the scope of his normal duties at the time. She added that the raise was not intended to be permanent and pointed out that Mr. Underwood was now performing within his regular duties once more.

Councilmember Paul voted against handling raises in a piecemeal fashion. She wanted Council to stick to its original process and felt salaries were part of the Town's budget problem. Councilmember Paul wanted this to be handled within the scope of the pay and classification review. Mr. Cohen stressed that the decision he made to stop the raises was based only on how they were issued and not on whether they were warranted.

Mayor Truex asked Vice-Mayor Hubert if she agreed with Councilmember Paul's idea to handle this within Council's set policy. Vice-Mayor Hubert agreed. Mayor Truex also agreed with Councilmember Paul. Councilmember Starkey disagreed and felt the proper procedure was to have Council reinstate the raises by resolution. She felt acting otherwise would subject the Town to a potential liability.

**GOVERNOR'S PROPOSED BUDGET.** Councilmember Starkey provided a legislative update on the governor's proposed budget. She advised that the CDBG and FCT grant monies would be reinstated. Councilmember Starkey spoke of a proposed \$2.1 million in disaster recovery assistance and \$5.5 million for weatherization for low-income residents. She spoke of an available \$12.4 million in funds for cultural affairs and \$3.8 million in historical grants, plus additional monies to be provided by the Housing and Finance Corporation. Councilmember Starkey requested that Ms. Santini of the Housing and Finance

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Corporation come before Council to present a plan for an affordable housing trust in the Town. Councilmember Starkey advised there was \$545 million in new funds for affordable housing and added that sexual predator bills would be improved. She also spoke of the Farkas Bill which would address affordability issues.

**COUNCILMEMBER PAUL**

**COMMUNITY CHEST.** Councilmember Paul wanted Council to revisit the idea of the community chest and felt the Town would eventually have to turn down requests for financial assistance due to budget constraints. Council directed staff to add this to the next meeting's agenda.

**SUNNY LAKE.** Councilmember Paul was concerned about the vote on the contract on Sunny Lake and asked whether this could be reconsidered. She felt the vote taken to strike language referring to sexual orientation was not appropriate.

**MAYOR TRUEX**

**MEETING NOTICES.** Mayor Truex wanted staff to add discussion for a potential resolution directing that all Council meetings be posted on the Town's website and in the Town Clerk's office.

Councilmember Paul made a motion, seconded by Mayor Truex, to have all meetings posted on the Town's website. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

**CONDOMINIUM CONVERSIONS.** Mayor Truex requested that staff add to the next meeting's agenda discussion on a possible zoning-in-progress to address rentals being converted to condominiums.

**11. TOWN ADMINISTRATOR'S COMMENTS**

No comments were made.

**12. TOWN ATTORNEY'S COMMENTS**

**SPECIAL EXECUTIVE SESSION.** Mr. Kiar advised of a lawsuit against the Town by the Eden nightclub and requested an executive session on March 1, 2006 to include Council, Mr. Cohen, Special Counsel Mr. Burke, Mr. Parke and Mr. Kiar.

Councilmember Paul made a motion, seconded by Vice-Mayor Truex, to schedule an executive session on March 1, 2006 at 6:00 p.m. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 12:32 a.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk